

GOVERNOR'S MESSAGE.

*To the Members of the Legislative-Council
and General Assembly.*

BY a joint resolution of Council and Assembly, passed February, 1830, it is made the duty of the Executive to address to the legislature a message, at their annual meeting in October, recommending such measures in relation to the resources, finances, laws, and polity of the state, as may tend to promote the happiness and prosperity of the people. In compliance with this duty, I do respectfully submit the following remarks :

The finances of the state should be examined into with care, and be well understood by the legislature, and at all times demand their particular attention.

Upon examination of the subject at this time, it will be found that the balance in the treasury, after paying the expenses of the government for the past year, is three thousand three hundred ninety-nine dollars and ninety-two cents ; the amount at the last year's settlement was ten thousand three hundred sixty-two dollars and eighty-three cents, the balance the present year is considerably less than it was last year ; this is owing to several appropriations made by the legislature, and expenses incurred which do not occur as ordinary expenses of government, and are comprized in the following items, viz : Appropriation to repair government house, three hundred dollars ; for enrolling decrees of the Court of Chancery, one thousand fifty-one dollars and sixteen cents ; for counsel fee in a suit relating to the boundary question, five hundred dollars ; expenses holding a special term of the Court of Appeals, one thousand five hundred twenty-nine dollars thirty-six cents ; to the Commissioners appointed to erect a new penitentiary, four thousand dollars.

Although the balance in the treasury is small, it will not be necessary to increase the sum that has been raised several years past for the support of government; the sum of forty thousand dollars will be amply sufficient for all the ordinary purposes of government.

The state will receive from the Delaware and Raritan Canal and Camden and Amboy Rail Road Companies, the annual sum of thirty thousand dollars, commencing January 1832. The Paterson and Hudson River Rail Road Company, the Elizabeth-town and Somerville Rail Road Company, the New-Jersey Rail Road and Transportation Company, the Paterson and Fort Lee Rail Road Company, and the New-Jersey Delaware and Hudson Rail Road Company, by their charters, are severally bound to pay the state an annual revenue, commencing within a limited time after the roads are completed.

As several of these works are progressing and will be completed during the ensuing year, we may safely calculate, that in a few years our treasury will be greatly augmented from the revenue to be derived from these companies; and we may with confidence look forward to no very distant period, when the revenue arising from the several great works of internal improvement in our state, which are progressing rapidly towards completion, will be amply sufficient to defray all the expenses of government, and enable the legislature to augment the school fund or make such other disposition of it, as may best promote the prosperity and happiness of the people.

The result of the operations of the penitentiary, will not vary materially from the last year; after giving credit for the earnings of the prison, amounting to nine thousand one hundred seventy-seven dollars and one cent, and charging the prison with the expenses for provisions, clothing, salaries of officers, &c. amounting to ten thousand two hundred twenty-nine dollars and ninety-nine cents, it will be seen, that the penitentiary falls short of supporting itself the past year, by the sum of one

thousand fifty-two dollars and ninety-eight cents ; and this sum would have been increased nearly one thousand dollars, except that by a law passed last year, the costs of criminal prosecutions are now paid by the several county collectors, instead of being paid out of the funds of the state as heretofore, and charged to prison expenses. I am satisfied that the present keepers and inspectors of the prison have been indefatigable in their endeavours in managing the prison, to turn every thing to the best advantage for the state ; but that under existing circumstances the sum cannot be made less. After another year we may expect a more favorable result from the operations of the prison. The commissioners appointed by the act of 13th February 1833, to erect a new penitentiary, soon after their appointments, entered upon the discharge of the duties assigned them ; and have commenced the work upon the plan of the state penitentiary for the eastern district of the state of Pennsylvania, with some useful and important alterations and improvements of that plan as suggested by Mr. John Haviland, who has been engaged by the commissioners as architect and superintendent of the work ; and whose talents and skill in the science of architecture are well known, and admitted to be of the highest order. And with the united intelligence and industry of the gentlemen appointed commissioners for the erection of the same, it will not be venturing too much in saying, that in regard to our penitentiary system or prison discipline, the character of the state stands redeemed ; and that when the work shall be completed, the New-Jersey Penitentiary will not be inferior to any in the Union. The commissioners, in compliance with the act, have submitted to me their accounts, so far as they have progressed with the work. I have examined these with care, and find them accurately kept and stated ; and the information I possess, enables me to say, that the commissioners have spared no pains or labor, in effecting their contracts for building materials, &c. with a view to have the best, and with a strict regard to econo-

my, and the best interests of the state. Several thousand dollars will be saved, from the labor of the prisoners. About thirty are brought from the old prison, and a guard being placed over them, they are made to work on the new prison. This number is employed daily, and returned to their cells at night; many of them are mechanics, and all perform their work cheerfully, and do it well, and with very little trouble to the keepers, or risk of making their escape.

It is confidently expected when the new penitentiary shall be completed, that with proper management, instead of the convicts being an annual expense to the state of two or three thousand dollars, we shall realize an annual income from our prison operations of from two to four thousand dollars. The prisons lately constructed in New-York, and the eastern states, instead of being a loss to the states in which they are located, are yielding an annual revenue. The new prison at Weathersfield in Connecticut, has yielded some years an annual profit to the state, exceeding three thousand dollars, the old prison was an annual expense to the state, of seven or eight thousand dollars; and judging from the success attending the erections of penitentiaries in other states, on this plan, we may safely calculate that when the New-Jersey penitentiary shall be completed, the people will be relieved from an onerous item of taxation. The commissioners have caused the work to be prosecuted with a view to the completion of the exterior wall, the main building and the two diagonal blocks of cells, by the first of December, 1834. They are of opinion it will be completed by that time, provided the money necessary for the purpose be furnished, and the workmen employed be exempt from unusual sickness.

In addition to the appropriation of thirty thousand dollars made by the Legislature at their last session, it will be necessary for them to make a further appropriation of one hundred thousand dollars. It is confidently believed that this sum will enable the commissioners to complete the whole work. As part of this

money will be wanted immediately after the Legislature convene, I would recommend your early attention to it. The money can probably be borrowed at an interest of four and a half, or five per cent. per annum, in such sums and at such times as it may be wanted by the commissioners; and the debt and interest be extinguished in about four years, from the revenue to be derived from the Delaware and Raritan Canal and Camden and Amboy Railroad Companies. These companies (as I have before stated) by their charters are bound to pay the state the sum of thirty thousand dollars annually; the first semi-annual payment of fifteen thousand dollars came due in July last, and was promptly paid by the companies, and has been paid over to the commissioners and applied towards the erection of the prison. As the railroad is now in successful operation from Amboy to Bordentown, and is nearly completed the whole distance to Camden, and the canal so nearly finished, that it will be in operation early next spring, we may safely depend upon this sum of thirty thousand dollars being paid to the state annually; it will, therefore be unnecessary to resort to taxation for the purpose of discharging any sum that will be required in completing the penitentiary. The report of the commissioners, together with their accounts of receipts and expenditures are herewith submitted to the Legislature.

While upon this subject I beg leave to advert to another somewhat connected with prison discipline. Many of the citizens of N. Jersey are of opinion that the law inflicting the punishment of death on a criminal convicted of murder ought to be altered, and the criminal instead of being punished with death should be sentenced to solitary confinement during life. This is a subject of great importance, and is deserving the serious consideration of the Legislature.

If you should deem it inexpedient at this time to modify the present mode of punishment for capital offences, I would suggest the propriety of changing the manner of inflicting it. I

have long been convinced that public executions for the crime of murder have very little influence in deterring others from committing the same offence. Indeed I am inclined to think it has a contrary effect. The oftener a person frequents these public exhibitions, the less impression they make on the mind ; and they can witness the melancholy spectacle with less dread and horror, and in a little time can follow their fellow men to the gallows and witness the death scene with perfect composure. It would be better for many other reasons that might be named, that public executions should be dispensed with, and the law be so amended or modified, that in future they shall take place within the walls of the prison yard, in presence of the Sheriff and officers of the Court. And as our criminal code of laws is now undergoing a revision, it is a favorable opportunity for the Legislature to take up this subject generally, and make such modifications and alterations as you may think expedient and necessary.

One of the great and important objects of legislation, in a government like ours, should be to promote education and the diffusion of useful knowledge. Without competent knowledge, or without education, there is no certainty of a permanent continuance of freedom and liberty in any country. Where the people are ignorant, civil and religious liberty will find no abiding place. Liberty cannot be justly appreciated or maintained by those who have never been instructed, and do not understand what liberty means. Religion and liberty seem to be indispensable to the happiness and perfections of our nature, and are justly to be prized above all other blessings, which our bountiful Creator has placed within the reach of man. It is highly important we should receive proper instruction, that we may be prepared duly to appreciate these blessings, and better fitted to the perfect understanding and enjoyment of them.

In a country where no attention is paid to education, and youth is left to grow up and mature in ignorance, vice will be

universally prevalent, and in its blackest and most alarming forms. There, men who were created but a little lower than the angels, are found degraded and sunk so far beneath intelligent species, that they seem to rise in the scale of being but a little above the brute creation.

I am aware the Legislature has done something towards effecting the great object of disseminating instruction and knowledge, by making an annual appropriation of twenty thousand dollars from the interest arising on the School Fund ; but I am convinced something more should be done.

Feeling the importance of extending instruction more generally throughout our State by a continuance and improvement of our common school system, I venture to bring the subject before you again.

Complaints are made in some parts of the State, that the law relating to this subject, although it has recently undergone a modification by the Legislature, is not altogether adapted to the views and wishes of the citizens in every county or district. The portion of money allotted to some townships has not been used the past year. This may be attributed to the fact, that the sum of itself is too small to do much good ; and in those townships which have neglected or refused to raise an additional sum, the whole money and the object itself, it is to be feared, are in a great measure lost sight of. I am not informed what particular alteration is desired to be made in the present act. It will undoubtedly be difficult, if not impossible, so to amend it, that its operations shall be equally beneficial in every township and district of the State ; but as each county will be fully represented in the Legislature, you will be better able to judge of the result of its operations for the past year, and can determine with greater certainty what alterations will meet the views and wishes of the people in the several counties than I possibly can. So far as my observation has extended, I am satisfied that too little money is raised by some of the townships at their annual town meetings.

The sum appropriated under the act to each township, is insufficient of itself to do much good. A sum at least three times the amount of that received from the State should be raised by the townships. Then we might expect to feel the benefit arising from the common school system, and men of intelligence and influence would be found willing to aid in advancing the benevolent work, the system would soon be improved and put in vigorous operation.

Teachers should be employed who are known to be qualified to instruct and govern children in the best manner—who are not only competent to teach, but who are at least good moral men, and of industrious habits. It is very important in conducting these schools, that the trustees should have the means of paying a sum that will command the services of good and competent teachers. Could we but realize that the very existence and continuance of our civil and religious liberty depend upon the acquisition of knowledge and intelligence on the part of the rising population of our country, then we should feel a deep and abiding interest on this subject, and would come up to the aid and support of these schools united as one man; and we should see a sum raised in every township, sufficient to insure much good from the school system, and making it more beneficial and general in its operations.

It is earnestly hoped that the several townships in future will be willing to contribute liberally in support of schools. Thousands in our State are growing up in ignorance, and thousands have arrived to years of maturity, who are unable to read that blessed book, that directs them the way to eternal life. The wants and privations of the rising generation in many parts of our State, are pressing, and call loudly for assistance. Duty to God and our country demands that something more should be done in support of this object.

It is not enough that our colleges and high schools prosper and flourish. Primary schools must be encouraged and sup-

ported, the elements of useful knowledge must be brought within the reach of the humble and honest poor—that the wealthy and indigent may alike understand and cherish the invaluable blessings of liberty and freedom, which, under Providence, our country enjoys in a higher degree than any other on the globe.

The operations of the school fund, the past year, have been more favorable than for several years preceding; the sum of twenty thousand dollars appropriated by the act, has been paid towards the support of schools, and a surplus of about two thousand dollars added to the fund.

The trustees of the school fund have realized a gain, the past year, of eight hundred and one dollars ninety-six cents, more than the previous year. This is mainly owing to a considerable amount of four and a half per cent. stock being redeemable and paid in, and placed out on interest immediately, where it produces an interest of five per cent. per annum. The sum of twenty thousand dollars may be applied annually to aid the common school system, and about three thousand dollars added to the principal every year. The school fund at the present time amounts to two hundred and thirty-one thousand dollars. As the trustees in their annual report will give you a particular statement of the fund and its operations for the past year, it is unnecessary for me to be precise, and submit it with these general remarks for your consideration.

The yearly sum of two thousand dollars, which has been wisely appropriated by the legislature, for the education of indigent deaf and dumb children, has been applied to the benevolent object the last year. The amount of the fund has enabled the executive to grant every application that has been made except in two cases, and these cases can be granted during the present month. The number of children from this state in the Pennsylvania Institution at the present time is six, and in the New-York Institution, seven. The fund may be considered sufficient to meet every case, and this unfortunate portion of

our citizens, so deserving legislative aid, are now amply provided for.

Serious inconveniences exist in many parts of our state, arising from the continual influx of colored persons from other states. Some of them are slaves, and are mostly of intemperate and vicious habits; in many places they have become so numerous, as to be a cause of constant alarm and dread to the surrounding inhabitants. Depredations upon property, and crimes of various grades are frequently committed by them; those who do not find employment, soon become a township expense, and prove a heavy burthen to the inhabitants of the neighborhood. I submit for your consideration, whether a law cannot be enacted in relation to these unfortunate persons, that will tend to improve their present condition, and also relieve society from many inconveniencies and from a grievous burthen of expense.

The present militia system is insufficient and in many respects defective. No possible good results to the community from requiring the whole mass of militia to parade once in each year; the instruction gained, and knowledge of military tactics acquired at common militia trainings under the present unprofitable mode, is of very little or no amount. I respectfully suggest whether it would not be a much better way of insuring proper instruction and correct discipline, by having the present system abolished, and some inducements held out to raise up and establish volunteer and uniform companies, comprising such as may be designated for that purpose, or who may voluntarily perform that duty. It is believed that the militia system may be improved in this manner, and would be less burdensome to the community, and relieve very materially a large and respectable class of our citizens who are conscientiously opposed to bearing arms.

I am aware the system cannot be altogether abolished; the organization of the militia must be kept up. And this may be

done without requiring the whole mass of militia to perform military duty, as they are obliged to under the existing law. I have received from the executive of the state of New-Hampshire, a communication, enclosing copies of certain resolutions passed by the legislature of that state, relating to the organization of the militia of the several states in the Union, which is herewith submitted.

On the twelfth day of February last, the legislature passed an act authorising the Governor of the state to employ some fit and proper person to compile and prepare for the press, all such legislative acts, and parts of acts, as are general and of a permanent nature, and affect the public at large, and which have been passed since the last revision of the public laws of this state, and are in force, or shall be enacted in time to be included within the compilation. In pursuance of this authority, Josiah Harrison, esquire, of Gloucester, has been appointed to perform the work ; and from the knowledge I possess relative to Mr. Harrison's legal qualifications and fitness for this duty, I may venture to assure you, that the work will be well done. The compilation will be completed and published in octavo form in one volume, as soon as the revision of the Orphans Court system, and Criminal Code, shall be completed, and the will of the legislature made known with reference to said revisions. As it is important these acts should be included within the compilation, I have instructed the compiler to suspend the completion of the work, until these revisions are passed upon by the legislature, and if enacted, that they may be included in the compilation.

It is confidently expected, the work will be completed, ready for sale and distribution, by the first of March next.

By a joint resolution of both branches of the legislature, passed at the last session, the Governor was authorised to employ some fit and discreet person, learned in the law, to amend, revise and digest, all acts, parts of acts, and supplements, relating

to the ordinary and his surrogates, the Orphans Court, and the practice and proceedings in all matters severally cognizable before them, or which of right ought so to be.

In compliance with this resolution, I have appointed Joseph W. Scott, esq. of Somerset, to perform the arduous and important work ; and from the learning, talents, and legal attainments of Mr. Scott, we may safely calculate that the revision will be done with great care, judgment and skill. I am authorised to say the revision will be completed by the first of December next.

At the same session another joint resolution was passed, authorising the Governor to appoint some person, learned in the law, to revise, alter, modify, amend and digest, all acts, parts of acts, and supplements, on the subject of crimes and their punishments, and other acts, parts of acts, and supplements appertaining thereto, or relating to criminal proceedings. In compliance with this resolution I have appointed Lucius Q. C. Elmer, esq. of Cumberland, to perform the important work ; and from his talents, legal acquirements and general knowledge of criminal law, you may expect to be presented with a revision of our criminal code of laws greatly improved, and which will be generally acceptable. This work is now completed, and will be presented for your consideration at an early part of the present session.

I would respectfully recommend to the legislature their early attention to these revisions, and if approved of, that they may be enacted in time to be published and included in the new compilation of laws, with as little delay as may be practicable.

At the last session, another joint-resolution of Council and Assembly was also passed, authorizing the appointment of commissioners to meet those who had been appointed by the State of Pennsylvania, to examine and report, relative to obstructions to the navigation of the river Delaware ; and also to report how the said obstructions may be obviated, having due

regard to a safe and convenient navigation of the river, and the use of the waters thereof, for actual or contemplated improvement, without injury to the navigation.

Agreeably to this resolution, Garret D. Wall, Peter I. Striker, and John M. Sherrard, esquires, have been appointed commissioners on the part of the State of New-Jersey, and their appointment duly communicated to the executive of the state of Pennsylvania. But from causes not within their control, the commissioners, as yet, have not investigated the matter appertaining to their appointment, and are not prepared to make report to the legislature at the present time.

The last legislature was informed by a letter from the Governor of the state of New-York, that the legislature of that state had passed an act authorizing the appointment of commissioners to settle the controversy between the two states, respecting their boundaries. A corresponding act was passed on our part, and commissioners were appointed by my predecessor, as soon as he was informed of the appointment of those on the part of New-York. Those commissioners were the Hon. Theodore Frelinghuysen, James Parker, and Lucius Q. C. Elmer. I am happy to inform the legislature that the joint-commissioners have unanimously agreed as to a settlement of the territorial limits and jurisdiction between the two states, and have signed an agreement, which, it is believed, will be satisfactory to both parties. It is herewith communicated; and I congratulate you and the people of the state, that there is now every probability that this long pending and painful controversy, is about to be settled, on fair and equitable grounds.

Since the last session of the legislature, communications have been received from the executives of the states of Massachusetts, Mississippi, Connecticut, Alabama, and Ohio, enclosing resolutions adopted by the legislatures of the said states, respectively, relative to the call of a convention of the states, for the purpose of amending the Federal Constitution. And also

from the executives of the states of Massachusetts, New York, Maryland, Ohio, and Maine, enclosing resolutions, adopted by the legislatures of those states respectively, in relation to the proceedings of the convention of South-Carolina. And also from the executives of the states of Pennsylvania and Massachusetts, enclosing certain documents and resolutions adopted by the legislatures of those states, relating to lotteries; all of which are herewith submitted for your consideration.

In closing this communication, permit me to remark, that we are under peculiar obligations publicly to render unto Almighty God our most sincere and devout thanks for the numerous mercies and blessings we have been made the recipients of during the past year; that instead of being visited with the pestilence that walketh by night, and the destruction that wasteth at noon-day, which has scourged and desolated the old world, and has recently produced alarm, distress and death in some of our sister states, we have been particularly favored. The pestilence has passed by us once and again. ~~Throughout our state,~~ the past year has been a time of extraordinary health, the season has been fruitful, the earth has produced in profusion, the supplies for man and beast have been abundant, the smiles of a gracious Providence are signally manifest towards us as a people, in the great abundance and prosperity that cheer us everywhere, throughout our State.

And while we acknowledge our gratitude to God for his mercies conferred, we should remember that we have cause for humiliation and sorrow, on account of the multiplicity and magnitude of crimes that are committed within our borders; and may a just consciousness of these truths lead us to estimate our obligations and duties, as citizens and christians, and our most earnest endeavors be directed to promote the welfare and everlasting happiness of all mankind.

ELIAS P. SEELEY.

TRENTON, October 23, 1833.

